

REMARKS

The application has been amended and is believed to be in condition for allowance.

Amendments to the Disclosure

Claim 10-12 are amended to address antecedent basis issues and formal issues in consideration of readability and U.S. style.

New claim 17 depends from independent claim 10 and finds support in the specification and the drawing figures as originally filed (e.g., page 6, lines 8-13).

New claims 18-19 further distinguish the invention over the prior art. The new claims find support in the specification and the drawing figures as originally filed (page 5, lines 2-20; Figure 2).

New claims 20-22 recite the inventive features of the invention in an alternate form, finding support in the specification and the drawing figures as originally filed.

The foregoing claims amendments and new claim do not introduce new matter.

Formal Matters - Objections to the Drawings

The Official Action objected to the drawing figures, stating that the soleplate as recited in the claims was not found illustrated in the drawings.

Applicants respectfully disagree. It is respectfully submitted that the soleplate, as described, for example, at page

5 lines 4-13, is constituted by the bottom 102 ("the bottom 102 forms a soleplate," page 5, lines 4-5) as illustrated on Figure 2 of the drawings originally filed.

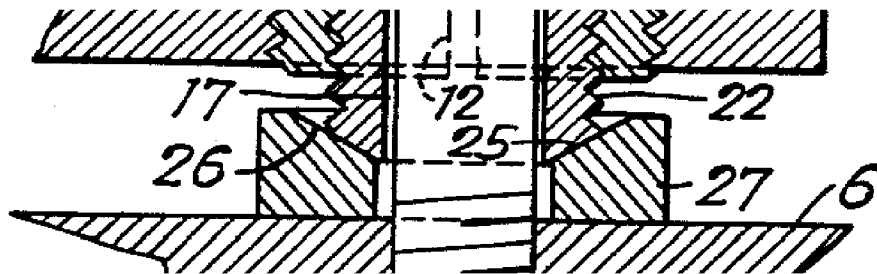
It is therefore respectfully submitted that the drawings show every feature of the invention specified in the claims. Withdrawal of the objection to the drawings is thereby respectfully solicited.

Substantive Issues - Section 102

The Official Action rejected claims 10-12 under 35 USC 102(b) as being anticipated by Fell (US 2,940,784; "FELL").

Applicants respectfully traverse the rejection.

Firstly, it is respectfully submitted that FELL fails to teach an orifice sized to co-operate with the positioning member, as required by claim 10.



On the contrary, FELL clearly illustrates a large play (i.e., a spacing facilitating movement), in Figure 1, between inner orifice of soleplate 27 and outer diameter of the screw 18 which is screwed in the ground and engaged in soleplate 27 and in bore 17 (a detail of FELL Figure 1 is provided above for the Examiner's convenience). Accordingly, the orifice of soleplate

27 of FELL cannot be considered as co-operating with screw 18 for indexing.

The arrangement of FELL provides a significant radial play between the clamping screw 18 and the machine leg. This radial play is the result of three different plays provided in the FELL device: the play between screw 18 and internal bore 17 of bushing 16, the play between hollow bushing 16 and outer cylindrical sleeve 9, and the play outer cylindrical sleeve 9 and leg 7.

Furthermore, FELL explicitly teaches (e.g., at column 2 line 18) that the difference in diameter between bore 17 and outer diameter of bushing 16 is designed to be significant for allowing different angular orientations.

As a result, the arrangement of FELL is unable to provide an accurate indexing of leg 7 along the ground because radial or horizontal uncertainty of the position of leg 7 relatively to screw 18 is specifically designed to be wide.

In contrast, the invention requires the orifice 106 to be sized to co-operate with the positioning member 107 (e.g., independent claim 10). The provision of an orifice 106 and a positioning member 107 which directly cooperate together to index one to the other, for example by means of a positioning member 107 having a diameter matched to the diameter of orifice 106, allows a machine to be directly indexed to the ground, instead of

requiring to firstly index the soleplates to the ground and to secondly index the machine to the soleplates.

Accordingly, the invention provides a solution wherein indexing the machine along the ground is achieved with better accuracy and with a reduced complexity of operation (e.g., a separate soleplate need not be first positioned accurately along the ground before being secured to bushings of machine legs). FELL, as indicated above, fails to teach an orifice sized to co-operate with a positioning member as recited in claim 10. Thus, FELL cannot achieve this.

FELL further fails to teach a soleplate forming a bottom of the hollow bushing and having an orifice through the bottom opening out into the hollow bushing.

On the contrary, FELL teaches a washer 27 with a concave top 26 configured to receive a tapered bottom portion of hollow screw 16 (column 2, lines 23-24). Hence, at best, FELL discloses a hollow bushing as hollow screw 16 terminating in a tapered bottom portion. The tapered bottom portion is clearly taught, in both the specification and the drawing figures, as distinctive from the washer 27.

FELL thus fails to teach a soleplate as forming a bottom of a hollow bushing, as required by claim 10.

It is therefore respectfully submitted that FELL does not teach all the features required by independent claim 10. Accordingly, claim 10 is believed to be patentable.

It is also respectfully submitted that claims depending from claim 10 are patentable at least for depending from a patentable parent claim. For example, FELL makes no teaching of a lock nut as recited by new dependent claim 19.

It is further respectfully submitted that new claims 20-22 are patentable at least for the reasons set forth above as to claim 10.

Reconsideration and allowance of the claims are respectfully requested.

In addition, it is respectfully submitted that the claimed invention is also new and patentable over the remaining references cited as pertinent but not relied upon by the Official Action: Messer (US 3,361,410; "MESSER"), Kambara (US 5,511,760; "KAMBARA"), Johansson (US 6,584,745; "JOHANSSON"), and Kober (US 4,061,298; "KOBER").

Each of these documents addresses the question of vertical positioning instead of horizontal positioning, and each of the arrangements provided by these documents fail to ensure accurate horizontal positioning.

MESSER discloses a device for accurately leveling a machine vertically, which comprises a hollow bushing 14 associated to a soleplate 12, 13, and wherein a thread drilled into the ground is engaged through bushing 14 and soleplate 12, 13. As visible on the drawings, a very large radial play is provided between bold 19 and inner orifice of soleplate 12, 13,

whereas claim 10 contrary requires that the orifice of the soleplate be sized to co-operate with the positioning member, for positioning the machine.

KAMBARA discloses an arrangement of the same kind as the one of MESSER, which comprises a soleplate 110 with an orifice which has a much greater diameter than the outer diameter of the anchoring bold.

JOHANSSON also discloses an arrangement which comprises a hollow bushing 6 associated to a soleplate 26, and an anchoring bold 9 engaged in the hollow bushing and the soleplate 26. As explained at column 5, lines 16, 43, 66 and 67, the soleplate 26 is made of an elastic material such as rubber to absorb vibrations. Such a rubber soleplate cannot provide appropriate accuracy for horizontal positioning.

KOBER teaches a complex solution wherein the machine pedestal which is not shown is engaged along a tension rod 13 for vertical levelling purpose, and wherein the document does not provide information concerning horizontal positioning of the machine pedestal relatively to tension rod 13.

From the foregoing, it will be apparent that Applicants have fully responded to the February 13, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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